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Notice of Allowability	Application No.	Applicant(s)	
	09/929,425	GASS ET AL.	
	Examiner	Art Unit	
	Kenneth E. Peterson	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the brief filed 18 April 06.
2. ☒ The allowed claim(s) is/are 1-4 and 17-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12 May 06</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--|--|

1. Since an allowable linking claim has been agreed to, the restriction is hereby withdrawn, as per the paper mailed 26 September 03. Claims 5,6,24 and 25 are hereby rejoined.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Fanning on 09 May 06.

The application has been amended as follows:

On line 3 of claim 1, "cutting tool" has been changed to ~~rotatable cutting blade--~~.

On line 3 of claim 1, "move" has been changed to ~~be manually advanced by an operator--~~.

On line 5 of claim 1, "drive the cutting tool" has been changed to ~~rotate the cutting blade--~~.

On line 7 of claim 1, "tool" has been changed to ~~blade--~~.

On line 8 of claim 1, "tool" has been changed to ~~blade--~~.

On line 9 of claim 1, after "contact", ~~--but not proximity~~ has been inserted.

On line 9 of claim 1, "tool" has been changed to ~~blade--~~.

On line 1 of claim 2, "tool" has been changed to ~~blade--~~.

On line 2 of claim 2, "tool" has been changed to ~~blade--~~.

On line 3 of claim 2, "tool" has been changed to ~~blade--~~.

On line 2 of claim 3, "tool" has been changed to ~~blade--~~.

On line 3 of claim 3, "tool" has been changed to ~~blade--~~.

On line 2 of claim 4, "tool" has been changed to ~~blade--~~.

On line 3 of claim 4, "tool" has been changed to ~~blade--~~.

On line 6 of claim 4, "tool" has been changed to ~~blade--~~.

Claims 7-9 have been cancelled.

On line 7 of claim 17, "blade adapted to move" has been changed to ~~rotatable blade adapted to be manually advanced by an operator--~~.

On line 8 of claim 17, "drive" has been changed to ~~rotate--~~.

On line 11 of claim 17, "limit" has been changed to ~~stop--~~.

On line 12 of claim 17, after "contact", ~~--but not proximity~~ has been inserted.

On lines 4 and 5 of claim 18, "to limit the movement of the blade into the work zone when the pawl engages the blade" has been deleted.

On line 2 of claim 20, "tool" has been changed to ~~blade--~~.

On line 2 of claim 23, "tool" has been changed to ~~blade--~~.

3. Made of record but not making Applicant's invention obvious are patents to Haeger and Schmall showing pertinent safety devices and a patent to Luber showing a robot with a saw.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 571-272-4512. The examiner can normally be reached Mon-Thurs, 7:30AM-5PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KP

May 17, 2006



KENNETH E. PETERSON
PRIMARY EXAMINER